

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Capital Realty Solutions LLC
310 Varum Street, NW (Square 3311, Lot 68)

I. INTRODUCTION.

This Statement is submitted on behalf of Capital Realty Solutions LLC (the “**Applicant**”), owner of 310 Varum Street, NW (Square 3311, Lot 68) (the “**Property**”). The Property is located in the RF-1 zone. The Property is improved with a two-story single-family row dwelling, including a cellar and two above-ground levels (the “**Building**”) and an accessory structure at the rear of the property. The Applicant is proposing to construct an addition consisting of a rear addition and a third story, with a stairway penthouse (the “**Addition**”); and to convert the Building to three (3) principal dwelling units. The Application includes requests for special exception relief from the 10-foot rule (E-205.5), the lot occupancy requirements of E-304.1, and for a conversion to three (3) dwelling units (U-320).

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2, E-5201, and U-320.2.

III. PROPOSED PROJECT.

The Property is located in the RF-1 zone district. It is an interior lot measuring 2,800 square feet in land area. Abutting the Property to the north is Varum Street, NW. Abutting the Property to the west is 312 Varum Street, a single-family row dwelling. Abutting the Property to the east is 308 Varum Street, a single-family row dwelling. Abutting the Property to the south, is a public alley. The area is made up of residential row dwellings.

The Property is improved with a two-story single-family row dwelling, including a cellar and two above-ground levels (the “**Building**”) and an accessory structure at the rear of the property. The Applicant is proposing to construct an addition consisting of a rear addition and a third story, with a stairway penthouse (the “**Addition**”); and to convert the Building to three (3) principal dwelling units. The Applicant is also proposing demolition of the existing accessory structure and construction of a new accessory building (the “**Accessory Building**”). The new accessory building will not be a separate dwelling unit and will be used only for purposes incidental to the use of the principal dwelling units in the principal building. The Addition will extend 14 feet

beyond the adjoining rear wall to the west and 16 feet beyond the adjoining rear wall to the east. The addition will increase the lot occupancy to 62.5%. Other than the requested relief, the proposal meets all development standards for the RF-1 zone as follows:

Development Standard	Minimum	Maximum	Proposed
Height	NA	35 ft., 3 stories	34 ft. 9 in., 3 stories
Lot Occupancy	NA	60%	62.5%
Rear Yard	20 ft.	NA	70 ft.
10 ft. Rule	NA	10 ft. past	16 ft/14 ft (relief of 6 ft/4 ft)
Parking	2 spaces	NA	2 spaces
Accessory Bldg Area	NA	450 sf	450 sf
Accessory Bldg Location	NA	NA	Not in Required Rear Yard

IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. General Special Exception Requirements of Subtitle X § 901.2.

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under U-320.2 and E-5201 of the Zoning Regulations.

1. Granting of the Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Property is located in the RF-1 zone; “The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted.” The Zoning Regulations specifically permit the expansion or conversion via U-320.2. Therefore, the proposed use was contemplated by the Zoning Commission and included in the 2016 Zoning Regulations. Accordingly, the proposed Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. The granting of the special exception will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

The granting of the special exception will also not tend to adversely affect the use of neighboring properties as described more fully below.

C. Specific Special Exception Requirements of Subtitle E- 5201 (Lot Occupancy and 10-Foot Rule).

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

The Applicant is seeking relief in order to extend sixteen feet (16 ft.) beyond the adjoining building to the east, and fourteen feet (14 ft.) beyond the adjoining building to the west, pursuant to E-5201.4(a)-(c). The Applicant is also seeking relief in order to increase the lot occupancy to 62.5%.

5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

(a)The light and air available to neighboring properties shall not be unduly affected;

The Addition shall not unduly affect the light and air available to neighboring properties because of the long north facing lot. The proposed Addition extends only 6 feet to the east and 4 feet to the west beyond the 10-foot rule. The Applicant will provide a shadow study to show the minimal impact of the proposed Addition.

(b)The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The proposed Addition shall not unduly compromise the privacy of use and enjoyment of neighboring properties as the Applicant is not proposing windows on the east or west side of the Addition.

(c)The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage;

The requested relief will not substantially visually intrude upon the character, scale, and pattern of the houses as viewed from the alley.

A. Specific Special Exception Requirements of Subtitle U- 320.2

In order to have three (3) principal dwelling units on the Property, the Applicant must request special exception approval from U-320.2. The proposal in this Application satisfies the requirements of 11 DCMR U-320.2(a)-(c) as follows:

Section 320.2(a): The building to be converted or expanded is in existence on the property at the time the Department of Consumer and Regulatory Affairs [Department of Buildings] accepts as complete the building permit application for the conversion or expansion;

The building to be expanded is in existence on the property and will be in existence on the property at the time the Department of Buildings accepts as complete the building permit application for the conversion or expansion.

Section 320.2(b): The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6; and

The proposed Addition will increase the number of units from one (1) unit to three (3) units. Therefore, Inclusionary Zoning and the set-aside requirements of Subtitle C-1003.6 do not apply.

Section 320.2(c): There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per each existing and new dwelling unit.

The proposed structure includes three (3) units, requiring a minimum of 2,700 square feet of land. The Subject Property has 2,800 square feet of land area.

V. **CONCLUSION.**

For the reasons stated above, this application meets the requirements for special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

Martin P Sullivan

Martin Sullivan
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